

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

239A0491

CONFERENCE COMMITTEE ENGROSSED NO.

**HB1102 - 3/4/97**

Introduced by: Representatives Hagg, Broderick, Cutler, DeMersseman, Fischer-Clemens, Koetzle, Madden, Matthews, Pederson (Gordon), Peterson (Bill), Schaunaman, and Windhorst and Senators Everist, Aker, Hutmacher, Lawler, Olson, Paisley, Rounds, Shoener, Staggers, and Whiting

1 FOR AN ACT ENTITLED, An Act to authorize additional off-sale retail liquor licenses in  
2 certain municipalities of the first class, to provide certain restrictions for off-sale licensees,  
3 and to allow municipalities and counties to provide restrictions on off-sale licensees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 35-4-4 be amended to read as follows:

6 35-4-4. No person, corporation, or business entity may ~~be the holder of~~ hold or have an  
7 interest in more than three retail licenses issued under subdivisions 35-4-2(3), (4), (6), or (13).  
8 However, a person, corporation, or business entity may hold or have an interest in three  
9 additional retail licenses issued under subdivision 35-4-2(4) if the licensee derives more than fifty  
10 percent of the licensee's annual gross receipts from the sale of food at the location where the  
11 license is held and if the location is in a municipality of the first class. Any person, corporation,  
12 or business entity may hold or have an interest in additional retail licenses issued under  
13 subdivision 35-4-2(3) in municipalities of the first class whose populations are greater than ten  
14 thousand, if the licensee derives less than fifty percent of the licensee's annual gross receipts from

1 the sale of alcoholic beverages at the location where the license is held. Any such new licensee  
2 under subdivision 35-4-2(3) shall sell its alcoholic beverages, other than malt beverages, in an  
3 area in which persons under the age of twenty-one are not allowed and which is separated by a  
4 physical barrier from the rest of the establishment. For the purposes of this section, a physical  
5 barrier includes a wall, fence, rope, railing, or other physical feature erected for the sole purpose  
6 of restricting the free flow of foot traffic and access to a certain area of a premise. Only persons  
7 twenty-one years of age or older may sell or dispense alcoholic beverages under a license issued  
8 pursuant to subdivision 35-4-2(3). For purposes of this section, location means one contiguous  
9 piece of real estate on which sales are generated by the licensee except any portion licensed  
10 under subdivision 35-4-2(17).

11 Section 2. A municipality or county may require that all licensees under subdivision 35-4-2(3)  
12 erect a physical barrier as described by this Act or as described by an ordinance that may be more  
13 restrictive.

1 **BILL HISTORY**

2 1/27/97 First read in House and referred to State Affairs. H.J. 153

3 1/31/97 Scheduled for Committee hearing on this date.

4 1/31/97 State Affairs Do Pass, Passed, AYES 10, NAYS 2. H.J. 234

5 2/3/97 Motion to Amend, Passed. H.J. 277

6 2/3/97 House of Representatives Do Pass Amended, Passed, AYES 60, NAYS 10. H.J. 277

7 2/4/97 First read in Senate and referred to Commerce. S.J. 314

8 2/18/97 Scheduled for Committee hearing on this date.

9 2/18/97 Commerce Do Pass, Passed, AYES 5, NAYS 2. S.J. 485

10 2/19/97 Senate Deferred to another day. S.J. 545

11 2/20/97 Senate Deferred to another day. S.J. 573

12 2/21/97 Senate Placed on Calendar. S.J. 586

13 2/21/97 Motion to Amend, Passed. S.J. 589

14 2/21/97 Senate Do Pass Amended, Passed, AYES 22, NAYS 13. S.J. 590

15 2/24/97 Senate Title Amended. S.J. 593

16 2/25/97 House of Representatives failed to concur, appoint Conference Committee. H.J. 685

17 3/3/97 Senate Conference Committee Report. S.J. 728

18 3/3/97 House of Representatives Conference Committee Report. H.J. 797

19 3/4/97 Conference committee report not adopted Failed, AYES 12, NAYS 23.

20 3/4/97 Senate Conference committee report adopted Passed, AYES 24, NAYS 10.